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ABSTRACT

The report examines the achievements of 4 years (from 1979 to 1983) of the Over/Under Representation Project, a plan to address inequity in special education placement of minority students in Boston. Eight components of the model are described and progress to date discussed: (1) special education placement criteria, (2) data base information system and prereferral inservice training, (3) review of placements for Blacks and Hispanics through a primary school-level review of folders (containing progress reports, assessments, parental communications, etc.), (4) a generic teacher model, (5) needs assessment of bilingual programs and staff, (6) a communication network for bilingual special needs parents, (7) regular education alternatives (including the Schools without Failure Project and the Parent Information Assistance and Resource Project), and (8) a task force review of students placed in classes for the emotionally disturbed and mentally retarded. (CL)

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MINORITY STUDENTS IN SPECIAL EDUCATION:

A SCHOOL SYSTEM, PARENT ADVOCACY AND STATE DEPARTMENT PERSPECTIVE

BY

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HISTORICAL PERSPECTIVE

Under Massachusetts law section 6, G. L. 71 B, school systems are legally mandated to provide equal education opportunities to all students regardless of race, color or creed. In addition, PL 94-142, Section 504 of the Rehabilitation Act, and Massachusetts Law Chapter 766 require that students be placed in the least restrictive educational setting based on non-culturally biased assessment procedures. Chapter 71 B mandates school systems to develop a plan to rectify disproportionate placement.

The Boston Public Schools in 1978, was found to have a disproportionate number of black and Hispanic students in special education programs. Boston Public Schools, with the help of external and internal agencies and experts, developed a remedial plan to address the issue of disproportionate placement. Specifically, the Massachusetts Advocacy Center, a community based agency, and the State Department of Education were instrumental in developing Boston's remedial plan. Compliance specialists were assigned to implement and develop a comprehensive plan of action for remediating the disproportionate situation. The compliance specialists functioned as independent monitors for prima facie denial issues. The Boston Public Schools Superintendent's direct support of the Project as well as the Massachusetts Advocacy Center's and State Department of Education's input resulted in the Project's potency.

This article will address in an historical format the need, design, development, and ongoing function of the Over/Under Repesentation Project.

> In Massachusetts, Chapter 766, enacted in 1972, attempts "to provide a flexible and nondiscriminatory system for identifying and evaluating individual needs of children requiring special education.....(and) to prevent denials of equal educational opportunity on the basis of national origin, sex, economic status, race, religion, and physical or mental handicap in the provision of differential educational services" (Commonwealth of Massachusetts, Acts and Resolves, 1972, Chapter 766, Section 1).

> Despite the existence of Chapter 766 and its procedural safeguard, Chapter 71*, discriminatory grouping still exists. The Massachusetts Advocacy Center (MAC), in a report entitled Double Jeopardy issued in June 1978, presented evidence of black and Hispanic students enrolled disproportionately in special education programs in the state's public schools. The report claimed that the Department of Education was not analyzing existing special education school report census data nor monitoring special education placements for discrimination. MAC undertook its own review by examining individual school reports and school system summary reports for the 1975-76, 1976-77, and 1977-78 school years, and the 1977 Special Education Reports. The results confirmed their belief that equal educational opportunity was being denied to minorities in Massachusetts. Blacks were disproportionately overenrolled in special education while Hispanics were underenrolled in some programs and overenrolled in others (for a more thorough discussion see Walsh, Catherine E., Yearbook of Equal Education in Massachustts, 1979-1980).

Consequently, the Massachusetts Advocacy Center served a crucial role in forcing the State Department of Education to make school systems accountable for the placement of minority in special education programs.

The Boston Plan

In the first year of the Over/Under Representation Project, 1978-9, a remedial plan was written containing eight major components. The original remedial plan was extremely broad based in scope. Input was incorporated not only from the Massachusetts Advocacy Center and the State Department of Education, but also from parents and a number of community agencies. This article will demonstrate; 1) how many components and activities have been implemented in four years; 2) how the remedial plan has changed based upon State Department's monitoring; and 3) how the watch-guard efforts of the Massachusetts Advocacy Center have influenced the School Department and how the role of School Department personnel has been altered. It should be noted that the Massachusetts Advocacy Center's involvement was strongest

during the first year, and in subsequent years has lessened. The following activities were initiated during that first year;

I Special Education Placement Criteria

Entrance and exit criteria were developed for students being served in L/AB and S.A.R. classes using PL94-142 guidelines. These classes make up Boston's substantially separate mainstream programs. An internal group working with outside consultants developed the criteria which were piloted in one district.

II A) Data Base System

The school system hired a systems analyst/senior programmer to implement a data base information system for the Department of Support Services. An NCR form was developed and six terminals were installed for computerized data dissemination.

II B) Prereferral Inservice

Inservice on the prereferral phase of the 766 process was conducted systemwide. A student Support Team/prereferral training was conducted in 102 elementary schools. All school personnel received information on the program modification mandate.

III Review of Certain 502.3 Students

Black and Hispanic students in overrepresented schools had special Chapter 766 reviews. The students' reviews were attended by a professional of the same race as the student. The professional sent the project a written report stating if the review was in compliance with Chapter 766 regulations. Outside consultants were also hired to attend some of the special reviews.

IV Generic Teacher Model

The Generic Teacher/Specialist Role was formally accepted by the Boston School Committee in August, 1979. A study of school year 1979-80

statistics revealed that the schools with the Generic Model had successfully reduced the referral of minority students to special education programs. However, the Generic Model did not produce a significant reduction in prototype for minority students.

V Needs Assessment of Bilingual Programs and Staff

The Coordinator of Special Education Bilingual Program made recommendations to the Senior Advisor for improving Bilingual Special Education Programs. The recommendations were based on a needs assessment completed by central staff, district staff, building administrators, regular education teachers and bilingual teachers. As a result of the recommendations, special education bilingual programs and staff were increased for School Year 1980-81.

VI Development of a Communication Network for Bilingual Special Needs Parents

The "Parents' Guide" for special needs parents was translated into Spanish. Two thousand copies of the "Parents' Guide" were distributed to the families of all Spanish bilingual special needs students and to community agencies.

VII Regular Education Alternatives

A) Reading/Individualized Criterion Referenced Test - The Department of Student Support Services worked with the Department of Curriculum and Competency to address the relationship of special needs students to the ICRT.

B) The Schools Without Failure Project stressed a positive model of behavioral interventions and individual responsibility for behavior. The strength of this model was derived from involvement of students, staff and parents in individual schools. This project resulted in reduced racial tension, more positve feelings of teachers and administrators toward their students, and decreased suspensions.

C) Alternative to Suspension Programs were established at eight Boston schools. The State Department of Education found that the programs were contributing to a more positive racial climate in the schools.

D) The District VI Instructional Support Program was a collaborative project which provided training for teachers to individualize instruction for certain students who would otherwise have been referred to special education. The program was viewed as a successful alternative.

E) The Code of Discipline was developed by the School Department, community, parent, student and legal groups during the 1979-80 school year. It went into effect September 1, 1980.

F) The Parent Information Assistance and Resource Project began March, 1980. The Project has provided parents, teachers, and agencies with workshops on special needs programs in the Boston Public Schools. The Project has established a Complaint Management System.

VIII Task Force Review of Students in 502.4 Learning/Adaptive Behavior (L/AB and Supporative Academic Remediation (SAR) Programs

These programs serve students in small, structured, substantially separate classrooms. A task force of two school psychologist and four teachers reviewed the folders of all students placed in L/AB and SAR programs before September, 1978 to determine the appropriateness of placement. Almost 73% of the students were regarded as appropriately placed; but 42% of those required reevaluation during school year 1980-81 due to out-of-date and/or missing assessments. An additional 27% were in need of reevaluation before the appropriateness of placement could be determined. Those students were given a priority status for reevaluation.

Four-Year Analysis

The results of the first year's efforts were mixed. Some components were implemented, while others for a variety of reasons were not effected.

Both the Massachusetts Advocacy Center and the State Department of Education were strongly involved during the first year of the Project. The Massachusetts Advocacy Center met with Project staff several times throughout the year as well as actively participating on the Advisory Board. The State Department of Education conducted extensive monitoring during the first year. Some of the implementation problems in the first year can be attributed to a Remedial Plan that was too broad in scope in some areas, and too sketchy in others. Currently the Massachusetts Advocacy Center's involvement is minimal; however, the State Department of Education continues to actively monitor the Project's Action Plan. The Project's Action Plan was referred to as a Remedial Plan in 1979.

The following discussion will review implementation of the first year's components and the current status of these components. The components are now referred to as elements The period being discussed covers fours years, 1979-1983.

I SPED Placement

In the first year, the development of entrance and exit criteria was to be determined for placing students in classes for the emotionally disturbed and/or mentally retarded. Criteria were developed by a committee comprised of psychologists and educators. The criteria were subsequently piloted in the following three years. As of the 1983-84 school year they have been eliminated. What factors led to the lack of success in using these criteria?

A. Input from critical individuals was not built into the criteria. All of the individuals involved in the supervising of programs at the elementary, middle and senior high levels who were responsible for the individuals completing the criteria were not involved in the development of the criteria. The structure

of special education changed during the second year of the Project.

B In the fourth year of the Project, the school system developed systemwide curriculum objectives. This year they will be completed for all levels. A new set of criteria which takes these objectives into consideration are necessary. The curriculum objectives will help facilitate mainstreaming and also help in establishing clearer criteria for entrance and exit into special education. For example, a ninth grader in a resource room can now be working on clear objectives that will facilitate his entrance back into a tenth grade social studies class.

C The purpose of the criteria were not sufficently clear to all personnel, and the criteria attempted to accomplish too much. The Project hoped to evaluate how different individuals in an evaluation team filled them out and make comparisons based upon the role and/or race of the individual. The criteria were used to determine if, for example, the psychologist really determined the placement decisions, or if minority members of the team differed with the team's final decisions. Each criteria had a number and by comparing the individual criteria numbers to the actual team decision this evaluation could be made. The criteria was also viewed as an attitude index.

II A Data Base System

The data base component has been developed far more extensively than envisioned in the original plan. The writers of the original plan had envisioned comprehensive data retrieval for special education

on NCR forms. Given the level of computer awareness in education in 1979, they did not realize the complexity of the task being conceived. At the time the Project mandated computerization of special education data, the court's involvement in special education in Boston was demanding a much more sophisticated data retrival system.

Boston committed itself to developing and establishing a Special education Instructional Management System. The plan envisioned was to be operational within two years. In actuality by September 1984, five years later, Boston will have finally accomplished this goal. The system includes computerized objectives, calendar of reviews, IEP's and progress reports. Thirty-six terminals are to be installed system-wide for data entry. Many reports on monthly movement of students to more or less restrictive programs, prereferral activities by race, etc., will then be available.

In summary, this project was instrumental in moving Boston toward the establishment of a comprehensive data base system in special education. A substantial portion of the development of this system was funded under the Over/Under Representation Project.

II B Prereferral Inservice

Inservice on prereferral is still a need in the system. There are no longer Support Teams in the schools that address this issue. However, headmasters/principals in the system do allot at least one inservice a year in their buildings to special education issues. Addtionally, many workshops in the form of voluntary inservice are available to teachers. Inservice on prereferral strategies remains a major area of concern.

III Review of certain 502.3 students

Boston Public Schools was cited for an overrepresentation of blacks and Hispanics in the 502.3 prototype. Students in this prototype spend 25 to 60% of the school day in a resource room. The Project instituted

folder reviews which looked at a number of aspects of the folder; progress reports, assessments, parental communication, etc. This component has been very successful. Most issues are resolved at the school level. More than 3,000 students have been reviewed for compliance related issues since the Project's inception.

Since the folder review process has been such a success, Boston has adapted this method as one vehicle of extricating itself from the court's involvement in special education. During the 1983-1984 school year Boston established monitoring teams, an adaption of the State's model. The monitoring manual used by Boston contains over a hundred criteria that are looked at. Schools are visited and comprehensively looked at for any non-compliance issues in special education. The school then responds to problems that have surfaced during the school visit by developing their own remedial plan.

This allows Boston to clean-up its own non-compliance without external involvement from the courts or the State Department of Education. Over/Under Representation staff are part of this team. Since all compliance issues are investigated by the team, by the year 1984-1985, Over/Under Representation staff will not have to conduct their own separate folder reviews.

IV Generic Teacher Model

Boston in 1979 was proactive in instituting a consulting teacher model. This individual called a generic teacher worked closely with regular education staff in implementing strategies that helped cut down referrals to special education. The model was highly successful; however, due to budget cuts in subsequent years the system would not sustain this model. Therefore, regular education teachers are not receiving the necessary support on a systemwide basis to maintain special education students in their classroom. This impacts particularly on black and

Spanish speaking youngsters who are most likely to be referred to special education. The need to support regular education teachers in both mainstreaming special education students and in cutting down on referrals remains a critical area that needs to be addressed in the system.

V Needs Assessment of Bilingual Programs and Staff

Since 1979, the Project has been instrumental in the addition of bilingual staff, not just Spanish speaking but in eight other languages. Bilingual teachers, social workers, psychologists and speech therapists have all been drastically increased in the system. Boston is now working on providing some timely translations of over 1,200 Spanish educational plans.

VI Development of Communication Network for Bilingual Special Needs Parents

A parent guide was developed by Boston and translated into Spanish. Two newsletters addressed to special needs parents were also translated. More outreach to Spanish speaking parents still needs to be developed. Although there is an active Parent Advisory Council that reports to the Manager of Student Support Services, bilingual parent involvement is still minimal.

VII Regular Education Alternatives

This component was too broad in scope as conceptualized in the original plan. Until this year special education was assumed under the Deputy Superintendent for Curriculum and Instruction. The power to address many of the regular education issues was therefore limited. This year special education directly reports to the Superintendent which should maximize interaction between regular and special education. However, despite this problem much has been accomplished since the beginning of the Project in this area.

A) In 1979 a major emphasis was placed on addressing the relationship of individual criterion referenced test to the ICRT. By 1983-1984 this concern has grown and now includes the relationship of special education to statewide competency based testing, local promotional standards, and graduation requirements. Many IEP's are written excluding special education students from the compentency based testing. Promotional and graduation requirements are still unresolved special education issues. However, the resolving of these issues is far beyond the scope of the Over/Under Representation Project.

The Project did get involved when new special education objectives were being written to ensure that they dovetailed the systemwide curriculum objectives in reading and math whenever possible. It was felt this would facilitate the mainstreaming process. The Project is currently overseeing the compilation of a list of all assessments used in the city to ensure that teachers, psychologists, and social workers are aware of both formal and informal assessment instruments available in the system.

B) Schools Without Failure Project initiated systemwide in Boston with federal funds from the Emergency School Assistance Act was a positive approach to discipline using the Glasser Method. The Schools Without Failure Project is no longer funded. Discipline in the schools remains a problem, but is not the crucial concern it was during 1976 three years after desegregation. Since many teachers were trained under the Schools Without Failure Project, and many of these teachers are still in the system, it has had a positive impact on discipline. This area which is now surfaced as a national concern may draw renewed interest in the coming school year under the new term - - "School Climate".

C) The system is more committed than ever to developing alternative school models for students who require a more structured setting at the high school level. In the past year alternative programs at both the middle and high school levels have been developed and implemented. Boston is committed to expanding these alternative programs to reduce school suspensions. Special education has had input into the development of these regular education alternatives.

D) The District VI Instructional Support Program, funded by 636 proposals, paired the district with the University of Massachusetts is still functioning. With new centralized inservice, there is a more coordinated approach to inservice throughout the city. Mini-grants and prioritized staff development are now more evenly distributed on a citywide basis.

E) The Code of Discipline was revised when a new Superintendent came in 1981. This area is now under the Deputy Superintendent of Operations. The Over/Under Representation Project is not actively involved with this area presently.

F) The Parent Information Project, a small aspect in the first year of the Over/Under Representation Project has begun a major parent network. The Parent Project reports to the Manager of Student Support Services. The Parent Project works closely with the Over/Under Representation Project. They are part of the systemwide monitoring teams. Additionally, they have developed a Parent Advisory Council, conducted numerous training workshops, and provide follow-up on all complaints by parents.

VIII Task Force Review of 502.4 LAB and SAR Students

In the first year all students placed in classes for the emotionally disturbed and mentally retarded were reviewed by a task force. This review was quite effective. In the 1983-1984 school year, the State

Department surfaced concerns about the disproportionate placement of minorities in these classes. As a result, the Over/Under Representation Project has instituted new procedural safeguards for these students at their reevaluation, as well as for new recommended placements. As part of the systemwide folder review, these students are also included.

Summary

In summary, many of the components have been extended far beyond the original scope of the Project. The Project has been the spearhead for many changes in the system. The support from the Superintendent and Manager of Student Support Services was crucial to the Project's success. In the upcoming years, the Project will focus upon more support for teachers, as this remains a need in the system.

The State Department has played a crucial role from the outset of the Project. The creation of the Project resulted from the State Department citation of Boston. The Action Plan which is submitted to the State Department of Education for approval each year incorporates all recommendations the State has made as a result of their on-site visits and monitoring. In addition, a State Department representative serves as a member of the Action Plan Advisory Group.

The State Department is not only involved in the Over/Under Representation Project but has assumed many of these monitoring functions that were once part of the Court system under the Boston desegregation case as well as the Allen V. McDonough case which charged Boston with overall non-compliance with the special education law. Because the State Department monitors all these other aspects of the Boston Public Schools, it is not surprising that at times overlaps occur. For example, during the current year, the State Department during desegregation monitoring evidenced concerns over the number of black students placed in classes

for the emotionally disturbed. This concern was addressed in Boston's current Action Plan.

Massachusetts Advocacy as an agency, although it brought the public's attention to the issue of Over/Under Representation, has decreased its involvement since the first year of the Project. A member of the agency does attend advisory board meetings. The involvement of this agency in the overall plan of the Project, however, is presently limited.

In conclusion, there are many checks and balances that surrounded this Project that allowed it to operate effectively. The Project has been able to institute many changes in the special education process in Boston that raises the consciousness of minority issues in the school system, particularly issues related to special education students.